

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

BIOGEN IDEC MA INC.,

Plaintiff,

v.

JAPANESE FOUNDATION FOR CANCER RESEARCH; and BAYER PHARMA AG

Defendants.



Civil Action No.
1:13-cv-1489-CMH/TRJ

ORDER

This matter comes before the Court on Defendants' Unopposed Motion To Transfer and To Vacate the May 30, 2014 Hearing.

WHEREAS, Defendants seek to transfer this matter to the United States Court of Appeals for the Federal Circuit under 28 U.S.C. § 1631 and vacate the May 30, 2014 hearing;

WHEREAS in *Biogen IDEC MA, Inc. v. Japanese Foundation for Cancer Research*, Case 1:13-cv-13061-FDS (D. Mass.) the Court determined that it lacked subject matter jurisdiction and has ordered the case transferred to the United States Court of Appeals for the Federal Circuit under 28 U.S.C. § 1631;

WHEREAS Biogen Idec MA Inc. respectfully disagrees with the ruling on subject matter jurisdiction in *Biogen IDEC MA, Inc. v. Japanese Foundation for Cancer Research*, Case 1:13-cv-13061-FDS (D. Mass.) and intends to seek review of that decision by the United States Court of Appeals for the Federal Circuit;

NOW, THEREFORE, upon consideration of the Unopposed Motion To Transfer and To Vacate the May 30, 2014 Hearing, it is hereby

ORDERED that the Unopposed Motion To Transfer and To Vacate the May 30, 2014 Hearing is hereby GRANTED without prejudice to Biogen Idec MA Inc.'s right to pursue judicial review of this action in this Court should the United States Court of Appeals for the Federal Circuit determine that subject matter jurisdiction was proper in *Biogen IDEC MA, Inc. v. Japanese Foundation for Cancer Research*, Case 1:13-cv-13061-FDS (D. Mass.).

Dated: May 29, 2014.

/s/
Claude M. Hilton
United States District Judge